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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.

In re:

AMENDMENT OF SECTION 73.622 (b)	)	
TABLE OF ALLOTMENTS	)	MM Docket No.
DTV BROADCAST STATIONS	)	
BOCA RATON, FLORIDA	)	

TO: Chief, Allocations Branch
Policy and Rules Division

JOINT PETITION FOR RULEMAKING

Palmetto Broadcasters Associated for Communities, Inc. ("Palmetto"), licensee of noncommercial educational station WPPB-TV ("WPPB"), Channel *63, Boca Raton, Florida, and Channel 63 of Palm Beach, Inc. ("Channel 63"), the proposed assignee of WPPB, by their attorneys and pursuant to the Commission's Rules, hereby jointly request that the Commission institute a rulemaking proceeding to amend Section 73.622(b) of its Rules to substitute DTV Channel *40 in lieu of DTV Channel *44 as WPPB's paired digital channel in Boca Raton, Florida. This substitution of paired digital channels would serve the public interest. In addition, as the attached technical documentation demonstrates, WPPB's proposed operation on Channel *40 will not cause impermissible interference to any other TV stations.

Channel 63 proposes the following amendment to Section 73.622(b) of the Commission's Rules:

Community	Present	Proposed
Boca Raton, Florida	63, *44	63, *40

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MMB

In support of this petition, Channel 63 submits the following:

A. The Proposed Change to the Table of Allotments Will Serve the Public Interest.

The proposed change to the DTV Table of Allotment will serve the public interest by enhancing WPPB-TV's ability to provide noncommercial educational DTV programming to its community.

The proposed substitution is an essential part of a settlement agreement between Channel 63, Palmetto and Guenter Marksteiner. The settlement brings to a close a long dispute between Marksteiner and WPPB. (A copy of this settlement agreement was filed with the Commission on December 6, 1999 and is incorporated herein by reference).

In so ending the dispute, the public interest will be served by the fostering of DTV service, which has been the goal of both Congress and the FCC; the accomplishment of certainty for the operation of the sole noncommercial TV station in Boca Raton; and by providing the first local television service to Stuart, Florida. Thus, the DTV channel change will help bring to an end the long dispute between Marksteiner and WPPB, and more importantly, by doing so, will greatly serve the public interest.

B. The Proposed Change to the Table of Allotments Will Not Result in Impermissible Interference with Surrounding Stations.

Under Section § 73.622(f)(5) of the Commission Rules, an existing licensee with a DTV allotment may seek a change in the station's channel if the licensee demonstrates that the change "complies with the technical criteria in §73.623(c), and thereby will not result in new interference exceeding the *de minimis* standard set forth in that section . . ." In accordance with

this rule, Palmetto and Channel 63 request that the Commission substitute DTV Channel *40, at a power/height combination of 1000kw/310m, for DTV Channel *44, as the allotment for WPPB, at its current reference point location. As the engineering statement accompanying this petition demonstrates, the proposed operation on WPPB on Channel *40 with ERP of 1000 kw (utilizing a non-directional antenna) and HAAT of 310 m would in fact result in no impermissible interference to any other TV station.

CONCLUSION

For all of these reasons, Palmetto and Channel 63 requests that the Commission institute a rulemaking proceeding to amend Section 73.622 of its Rules to substitute DTV Channel *40 for DTV Channel *44 as the paired channel for WPPB-TV in Boca Raton, Florida. If the Commission grants this petition and modifies the DTV Table of Allotments accordingly, Palmetto and/or Channel 63 will commit to applying for and constructing the DTV station on Channel *40.

Respectfully Submitted,

PALMETTO BROADCASTERS ASSOCIATED FOR COMMUNITIES, INC.

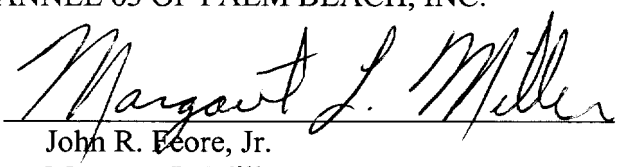
By: Kevin C. Boyle / NLM

Kevin C. Boyle
Nandan M. Joshi

Its Counsel

Latham & Watkins
1001 Pennsylvania Avenue, N.W.
Suite 1300
Washington, D.C. 20004
(202) 637-2149

CHANNEL 63 OF PALM BEACH, INC.

By: 

John R. Feore, Jr.
Margaret L. Miller
Christine J. Newcomb

Its Counsel

Dow, Lohnes & Albertson, PLLC
1200 New Hampshire Avenue
Suite 800
Washington, DC 20036
(202) 776-2000

Date: February 8, 2000

ENGINEERING STATEMENT
prepared for
Palmetto Broadcasters Associated for Communities, Inc.
WPPB-DT Boca Raton, Florida

This engineering statement has been prepared on behalf of *Palmetto Broadcasters Associated for Communities, Inc. (Palmetto)*, in support of a *Petition for Rulemaking. Palmetto* is the permittee of television station WPPB (TV), Channel 63, Boca Raton, Florida. In the Federal Communications Commission's Second Memorandum Opinion and Order on Reconsideration of the Fifth and Sixth Report and Orders on Advanced Television,[1] digital television (DTV) Channel 44 was allotted as a "paired" channel for the WPPB analog Channel 63. A substitute DTV channel is proposed herein for WPPB-DT.

Discussion

Palmetto desires to utilize DTV channel 40 to facilitate their implementation of DTV service with a lesser potential for interference to other television stations. An engineering review of the DTV allotments and NTSC assignments in the region surrounding Boca Raton showed that Channel 40 could be used for WPPB-DT. Detailed interference studies to domestic stations were conducted in accordance with the terrain dependent Longley-Rice point-to-point propagation model, per the Commission's Office of Engineering and Technology Bulletin Number 69, *Longley-Rice Methodology for Evaluating TV Coverage and Interference*, July 2, 1997 ("OET-69").[2] The studies showed that Channel 40 could be used for WPPB-DT at an effective radiated power ("ERP") of 1000 kW with an omnidirectional pattern. DTV Channel 40 at Boca Raton would provide coverage

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[1] See MM Docket 87-268, *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, FCC 98-315, released December 18, 1998.

[2] The implementation of OET-69 for this study followed the guidelines of OET-69 as specified therein, except that the terrain profile step size is 0.1 km (which provides a finer resolution than the Commission's standard 1 km step size). A standard cell size of 2 km was used. The Longley-Rice computer program input data, following the guidelines established under OET-69, includes a location variability of 50%, a time availability of 10%, a situation variability of 50%, horizontal polarization, 0.005 S/m conductivity, a climate constant of 15, an assumption of a continental temperate climate zone, and a receive antenna height of 10 meters. The service area for each DTV facility under study is that area predicted to receive signal levels of at least 41 dBμ using the Longley-Rice methodology, and within the DTV F(50,90) service contour distance as determined per §73.625(b). In instances where the DTV reference ERP is 50 kW or 1,000 kW, the Grade B contour of the associated analog station (as authorized April 3, 1997) is used to determine the extent of the DTV station's service area per §73.622(e)(1). The F(50,90) DTV service contour level is established by the formula 41 - 20log[(615/channel mid-frequency)] dBμ. The service area for each NTSC facility under study is that area predicted to receive signal levels of at least 64 dBμ using the Longley-Rice methodology, and within the NTSC F(50,50) service contour distance as determined per §73.684(c). The F(50,50) NTSC service contour level is established by the formula 64 - 20log[615/(channel mid-frequency)] dBμ. Comparisons of various results of this computer program to the Commission's implementation of OET-69 show good correlation.

to over 100 percent of the area and population of the interference-limited WPPB NTSC Channel 63 facility as authorized April 3, 1997, as well as the currently authorized WPPB NTSC facility.

All domestic stations considered in this study are listed in the attached **Table 1**. The results of the interference study, also summarized in **Table 1**, indicate that no interference to any other station is predicted (and therefore the proposal meets the Commission's 2% / 10% interference limits regarding DTV proposals). Thus, this proposal is in compliance with the provisions of §73.623(c)(2) of the Commission's rules.

Potential for Interference is Less With DTV Channel 40 vs. DTV Channel 44

An OET-69 study of the allotted DTV Channel 44 shows that the same proposed, omnidirectional facility of 1000 kW on DTV Channel 44 would result in new interference to 27,256 people (0.7 percent) served by the CP facility for NTSC station WHFT (Ch. 45, Miami, FL, BPCT-931220KG). While this is a *de minimis* portion of WHFT's baseline population, using the Commission's standard 2%/10% procedure, it is more interference than would be caused by the instantly proposed use of DTV Channel 40.

Summary

It is proposed that WPPB-DT Boca Raton, Florida, be permitted to substitute DTV Channel 40 in lieu of the allotted DTV Channel 44. Over 100 percent replication of the area and population coverage of the existing WPPB NTSC Channel 63 will be provided. No interference is predicted to be caused to other domestic DTV allotments or NTSC assignments. The technical data for the proposed Channel 40 allotment is summarized below. The location and antenna height are the same as that for the current DTV Channel 44 allotment for WPPB-DT.

Summary Technical Data for Proposed DTV Channel 40 Substitution
Boca Raton, Florida

Coordinates (NAD-27)	25° 59' 34" N-Lat 080° 10' 27" W-Lon
Channel	40
Effective Radiated Power	1000 kW (non-directional)
Antenna Height	312 m AMSL 310 m HAAT

Certification

Under the penalty of perjury, the undersigned hereby certifies that the foregoing statement was prepared by him or under his direction, and that it is true and correct to the best of his knowledge and belief. Mr. Peabody is on the staff of the firm of *Cavell, Mertz & Davis, Inc.*, and has submitted numerous engineering exhibits to the Federal Communications Commission. His qualifications are a matter of record with that entity.

Mark B. Peabody
January 24, 2000

Cavell, Mertz & Davis, Inc.
10300 Eaton Place Suite 200
Fairfax, VA 22030
(703) 591-0110

Table 1
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INTERFERENCE ANALYSIS RESULTS SUMMARY
PROPOSED DTV CHANNEL 40 - BOCA RATON, FLORIDA
1000 kW OMNIDIRECTIONAL, 310M AAT

prepared for

Palmetto Broadcasters Associated for Communities, Inc.

WPPB-DT Boca Raton, Florida

Stations Considered	City, State Channel, Type	Distance (km)	Baseline Population (1)	Initial Interference Percentage (2)	Additional Interference Percentage (3)	Proposed Change in Interference Population (4)	Proposed Change in Interference Percentage (5)	Final Interference Percentage (6)
WPBF(TV) (CP)	Tequesta, FL 25 NTSC	119.9			---------- No Interference Caused ----------			
WPBF(TV) (Lic)	Tequesta, FL 25 NTSC	119.9			---------- No Interference Caused ----------			
WBFS-TV	Miami, FL 33 NTSC	4.6			---------- No Interference Caused ----------			
WBZL(TV) (Lic)	Miami, FL 39 NTSC	5.5			---------- No Interference Caused ----------			
WACX-DT (Ref 149 kW)	Leesburg, FL 40 DTV	343.7			---------- No Interference Caused ----------			
WACX-DT (*Ref 200 kW)	Leesburg, FL 40 DTV	343.7			---------- No Interference Caused ----------			
WACX-DT (App)	Leesburg, FL 40 DTV	301.2			---------- No Interference Caused ----------			
WWSB(TV) (App)	Sarasota, FL 40 NTSC	278.2			---------- No Interference Caused ----------			

Table 1
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INTERFERENCE ANALYSIS RESULTS SUMMARY
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1000 kW OMNIDIRECTIONAL, 310M AAT

prepared for

Palmetto Broadcasters Associated for Communities, Inc.

WPPB-DT Boca Raton, Florida

Stations Considered	City, State Channel, Type	Distance (km)	Baseline Population (1)	Initial Interference Percentage (2)	Additional Interference Percentage (3)	Proposed Change in Interference Population (4)	Proposed Change in Interference Percentage (5)	Final Interference Percentage (6)
WWSB(TV) (Lic)	Sarasota, FL 40 NTSC	278.6			---------- No Interference Caused ----------			
WZVN-DT (Ref 283.7 kW)	Naples, FL 41 DTV	153.1			---------- No Interference Caused ----------			
WZVN-DT (App)	Naples, FL 41 DTV	183.6			---------- No Interference Caused ----------			
WXEL-TV (Lic)	West Palm Beach, FL 42 NTSC	65.1			---------- No Interference Caused ----------			

Notes:

(1) For DTV stations, greater of NTSC or DTV Service Population, from FCC Table
For NTSC stations, total population within noise-limited contour

(2) For DTV stations, 100 percent minus FCC Table initial DTV/NTSC population match
For NTSC stations, initial percent loss: percent of population within (1) predicted to receive DTV only interference from FCC Table

(3) Additional interference experienced due to DTV facilities authorized subsequent to initial allotment table

(4) Net change in population receiving interference resulting from proposal

(5) Proposal's impact in terms of percentage, equals (4)/(1) times 100 percent: not to exceed *de minimis* limit of 2.0 percent

(6) Total interference: equals (2) + (3) + (5); proposal may not increase (2) +(3) above 10 percent

* Additional analysis with reference facility's ERP raised to 200 kW

The determination of stations for consideration and the determination of baseline population and interference percentages were made as described in the Commission's August 10, 1998 Public Notice *"Additional Application Processing Guidelines for Digital Television"*